



Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-630
Regulation title	Disability Advocacy Project
Action title	Repeal General Relief Disability Advocacy Project
Date this document prepared	October 14, 2009

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

General Relief is a program that provides assistance to individuals who are not eligible for other forms of assistance and is an optional program at the local level. This regulation provides procedures for referring recipients to legal representation during appeal of a Supplemental Security Income (SSI) disability determination and provides information on how the appeal may affect General Relief benefits. This regulation will be repealed and its provisions will be included in a new, comprehensive General Relief Program regulation (22 VAC 40-411).

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The provisions of this regulation will be repealed and incorporated in a new, comprehensive regulation, 22 VAC 40-411, "Establish General Relief Program." The State Board of Social Services (Board) approved the final repeal of this regulation on October 14, 2009.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Pursuant to § 63.2-217 the Code of Virginia (Code), the Board has authority to promulgate rules and regulations necessary for the operation of all assistance programs. Section 63.2-803 provides for the establishment of an advocacy project for General Relief recipients.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

General Relief is a program that provides assistance to individuals who are not eligible for other forms of assistance. General Relief is an optional program at the local level. This regulation provides procedures for referring recipients to legal representation during appeal of an SSI disability determination and provides information on how the appeal may affect General Relief benefits. The local department of social services (LDSS) will advise recipients that they have five days from the receipt of a letter from the Social Security agency to contact the LDSS and request advocacy services. Since the provisions of this regulation will be incorporated in 22 VAC 40-411, "Establish General Relief Program," the welfare of citizens will not be impacted. This regulatory action promotes a more efficient administration of state and local government.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

This regulation will be repealed. A new, comprehensive General Relief regulation will be established. Any necessary language from this regulation will be included in the new comprehensive regulation.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

The new, comprehensive regulation will be an advantage to the vulnerable and disadvantaged population in Virginia who cannot receive assistance from other programs. General Relief is often the only means to support these individuals during the SSI appeal process; the new regulation will provide an explanation of how receiving SSI may affect General Relief benefits. This regulatory action poses no disadvantages to the public or the Commonwealth. It promotes a more efficient state and local government.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change

No changes were made to the text since the publication of the proposed stage.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response

No comments were received.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
22 VAC 40-630	22 VAC 40-630	The current regulation provides for referring and offering recipients to advocacy providers for legal representation during the SSI appeal process.	This regulation will be repealed and the language will be included in a new comprehensive General Relief regulation.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

General Relief is a program that provides assistance to disadvantaged individuals who are not eligible for other forms of assistance. General Relief is an optional program for local agencies. The “Disability Advocacy Project” regulation provides for referring recipients for legal representation during the appeal process of the SSI determination process. This regulation will be repealed and its provisions will be incorporated in one new, comprehensive regulation for the General Relief program. Providing a basic level of subsistence is important for the health, safety, and welfare of individuals in the Commonwealth.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The General Relief program provides assistance for vulnerable individuals, increases income to individuals, and provides needed support. The General Relief program has no impact on the rights of parents. There is no family impact.